

### **Remarks**

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 13 has been amended to more particularly describe the invention. No new matter has been entered as a result of this amendment.

In the Advisory Action, the Examiner asserts that the Shedlov reference is available as prior art. Upon further review, it appears that the Shedlov reference may be available as prior art under 35 U.S.C. §102(a) by virtue of a publication date that precedes the filing date of the instant application. Thus, Applicants will address the rejection.

Applicants respectfully traverse the rejection of claims 1-27 under 35 U.S.C. §103(a) as unpatentable over McCoy (U.S. Patent Pub. No. US 2003/0234243 A1) in view of Flanagan (U.S. Patent No. 6,696,667) and Shedlov (U.S. Patent No. 6,874,789). One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met.

McCoy describes a laser cutting apparatus that includes a rotary and linear movement subassembly (23). At a minimum, McCoy fails to describe or suggest linear and rotary motors, and attaching a laser cutting system to one surface of a base and a linear motor to a second, opposing, surface of the base. The Examiner relies upon the secondary references to provide these missing elements.

As noted above, McCoy fails to describe placing a laser cutting system on one surface of a base and a linear motor on an opposing, second, surface of the base. Flanagan does not remedy this noted shortcoming of McCoy by either providing the missing elements or providing the motivation necessary to modify McCoy to include the missing elements.

Moreover, Flanagan appears to describe a system in which the work piece is only moved in one direction while the laser is moved to accommodate a second direction. In some instances, the work piece appears to move longitudinally while the laser appears to move radially. In some cases, the work piece appears to move radially while the laser appears to move longitudinally. Thus, one of skill in the art would not be motivated to

substitute Flanagan's motors for the rotary and linear movement subassembly (23) disclosed by McCoy.

Shedlov describes low mass rotary motor assemblies. Shedlov does not disclose a combination of a rotary motor and a linear motor and thus cannot be considered as remedying the noted shortcomings of either McCoy or Flanagan. Moreover, the claims require that the motor assembly and the laser assembly be secured to opposing surfaces of a common base. Shedlov does not disclose this feature.

Thus, for at least these reasons, the cited combination of McCoy, Flanagan and Shedlov fail to disclose each and every claimed element. With respect to independent claim 1 (and hence claims 2-12 depending therefrom) and independent claim 13 (and claims 14-22 depending therefrom), the cited combination fails to describe a laser cutting system attached to the first (or top) surface of a base and a linear motor attached to a second (or bottom) surface of the base.

With respect to independent claim 23 (and hence claim 24 depending therefrom), the cited combination fails to describe a stent cutting device that includes a base, a laser attached to the base, a linear motor attached to the base and a rotary motor coupled to the linear motor and therefore cannot be considered as disclosing a method of using such a stent cutting device. With respect to claims 25-27, the cited combination cannot be considered as disclosing an intravascular stent manufacturing device that includes at least one up-side down motor.

Thus, the cited combination fails to disclose each and every element of the claimed invention. As a result, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

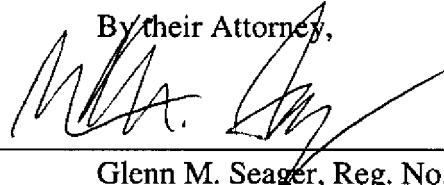
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

KENNETH MERDAN ET AL.

By their Attorney,

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